



Practitioner's Docket No. IB-1330D

RECEIVED

SEP 21 2001

TECH CENTER 1600/2900

PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: Shimon Weiss et al.

Serial No.: 09/865,130

Group Art Unit: 1641

Filed: May 24, 2001

Examiner: Unknown

For: **ORGANO LUMINESCENT SEMICONDUCTOR NANOCRYSTAL PROBES FOR BIOLOGICAL APPLICATIONS AND PROCESS FOR MAKING AND USING SUCH PROBES**

**Assistant Commissioner for Patents  
Washington, D.C. 20231**

**Date:** September 11, 2001

**TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT**

- ☒ **WITHIN THREE MONTHS OF FILING OR BEFORE MAILING OF FIRST OFFICE ACTION (37 C.F.R. 1.97(b))**
- ☐ **BEFORE MAILING DATE OF EITHER A FINAL ACTION OR NOTICE OF ALLOWANCE (37 C.F.R. 1.97(c))**
- ☐ **AFTER MAILING DATE OF FINAL ACTION OR NOTICE OF ALLOWANCE BUT BEFORE PAYMENT OF ISSUE FEE (37 C.F.R. 1.97(d))**

\*\*\*\*\*

Pursuant to 37 CFR 1.56, Applicants hereby submit the reference listed on the attached form PTO-1449 (modified), which was previously cited by the USPTO in an Office Action in a copending patent application. A copy of the reference is enclosed.

**CERTIFICATE OF MAILING/TRANSMISSION**

I hereby certify that this correspondence is, on the date shown below, being:

**MAILING**

☒ deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

Date: September 11, 2001

**FACSIMILE**

☐ transmitted by facsimile to the Patent and Trademark Office.

John P. Taylor  
Signature

John P. Taylor

(Type or print name of person certifying)

**I. TIME OF TRANSMITTAL OF ACCOMPANYING INFORMATION DISCLOSURE STATEMENT**

- A. ☒ THIS INFORMATION DISCLOSURE STATEMENT IS SUBMITTED WITHIN THREE MONTHS OF FILING OR BEFORE MAILING OF FIRST OFFICE ACTION (37 C.F.R. 1.97(b)).

The information disclosure statement transmitted herewith is being filed:

- ☐ (1) Within three months of the filing date of a national application.
- ☐ (2) Within three months of the date of entry of the national stage as set forth in § 1.491 in an international application.
- ☒ (3) Before the mailing date of a first Office Action on the merits.
- ☒ (4) To the best of the undersigned's knowledge, the information disclosure statement submitted herewith is being filed before the mailing date of a first Office action on the merits under 37 C.F.R. 1.97(b)(3). However, in the event that the USPTO has mailed an Office Action not yet received by the undersigned, a statement under 37 C.F.R. 1.97(e) is enclosed, since the disclosures submitted herewith were received by Applicants less than three months prior to the mailing date of this submittal.

- B. ☐ THIS INFORMATION DISCLOSURE STATEMENT IS SUBMITTED BEFORE MAILING DATE OF EITHER A FINAL ACTION OR NOTICE OF ALLOWANCE (37 C.F.R. 1.97(c)).

The information disclosure statement transmitted herewith is being filed before the mailing date of either a final action under § 1.113 or a notice of allowance under § 1.311, whichever occurs first, and is accompanied by either:

- ☐ (1) a statement as specified in 37 C.F.R. 1.97(e).
- ☐ (2) the fee set forth in 37 C.F.R. 1.17(p) for submission of an information disclosure statement under § 1.97(c). (\$240.00).

- C. ☐ THIS INFORMATION DISCLOSURE STATEMENT IS SUBMITTED AFTER MAILING DATE OF FINAL ACTION OR NOTICE OF ALLOWANCE BUT BEFORE PAYMENT OF ISSUE FEE (37 C.F.R. 1.97(d)).

The information disclosure statement transmitted herewith is being filed *after* a final action under § 1.113, or a notice of allowance under § 1.311, whichever occurs first, but before, or simultaneously with, the payment of the issue fee.

In accordance with the requirements of 37 C.F.R. 1.97(d):

- ☐ (1) Accompanying this transmittal is a statement as specified in 37 C.F.R. 1.97(e).
- ☐ (2) Applicant hereby petitions for the consideration of the accompanying information disclosure statement under 37 C.F.R. 1.97(d)(2).
- ☐ (3) Applicant submits the petition fee set forth in § 1.17(i) (\$130.00).

---

II. ☒ **STATEMENT FOR INFORMATION DISCLOSURE UNDER 37 C.F.R. § 1.97(e)**

I, the person(s) signing below state:

- ☐ (1) that each item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement. 37 C.F.R. 1.97(e)(1).

OR

- ☒ (2) that no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the statement after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in § 1.56(c) more than three months prior to the filing of the information disclosure statement. 37 C.F.R. 1.97(e)(2).

III. **FEE DUE**

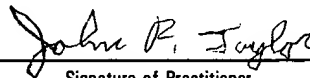
- ☒ No Fee due under 37 C.F.R. 1.97(b).
- ☐ No Fee due under 37 C.F.R. 1.97(c).
- ☐ Fee under 37 C.F.R. 1.97(c) \$240.00 (37 C.F.R. 1.17(p)).
- ☐ Petition fee under 37 C.F.R. 1.97(d) \$130.00 (37 C.F.R. 1.17(i)).
- 

IV. **METHOD OF PAYMENT OF FEE**

- ☐ Attached is a check for \$ \_\_\_\_\_.
- ☐ Charge Account 20-0092 \$ \_\_\_\_\_.

If any additional fees are due, please charge Account 20-0092.

---

  
\_\_\_\_\_  
Signature of Practitioner

John P. Taylor  
\_\_\_\_\_  
(Type or print name of practitioner)

Attorney for Applicants  
Registration No. 22,369  
Telephone No. (909) 699-7551

Mailing Address:

John P. Taylor, Patent Attorney  
Post Office Box 1598  
Temecula, California 92593-1598